

UNITED STATES of AMERICA  
DEPARTMENT of THE INTERIOR  
MINERALS MANAGEMENT SERVICE

Public Scoping Meeting on  
Outer Continental Shelf  
Renewable Energy and Alternative  
Use Programmatic EIS

Thursday, June 8, 2006

The Presidio Officer's Club  
50 Moraga Avenue, Moraga Room  
San Francisco, California 94129

PANEL MEMBERS

From the MMS:           Maureen Bornholdt, Program  
                                  Manager  
                                  Maurice Hill  
                                  Lynette Vesco

From ArgonneBob Moore, Facilitator  
                                  Program Coordinator/Manager  
                                  Argonne National Laboratory:  
                                  Environmental Sciences Division  
                                  200 Union Boulevard, Suite 530  
                                  Lakewood, Colorado 80228

From National  
Renewable Energy  
Labs:                       Mike Robinson

The public scoping meeting came on the record at  
6:32 p.m. per notice by Argonne National Laboratory,  
9700 South Cass Avenue, Argonne, Illinois 60439.

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P-R-O-C-E-E-D-I-N-G-S

(6:32 p.m.)

SCOPING COMMENTS

The first speaker is Don Mooney.  
Don, if you would go up to the podium.

MR. MOONEY: Good evening. We'll be submitting some written comments as well, but my name's Donald Mooney. And I'm counsel for the Oceans Public Trust Initiative, or OPTI. OPTI is a Portland-based -- Portland, Maine-based project of the International Marine Mammal Protection -- International Marine Mammal Project of Earth Island Institute, which itself is located in San Francisco.

OPTI's mission is to ensure that the public trust interest in ocean and coastal areas is fully protected by state and federal governments. We appreciate the opportunity to comment on the PEIS.

Since the early nineteenth century, the courts have established that valuable marine environment areas must be protected by their government overseers for the general benefit of the public. Because MMS has been entrusted with the oversight of the OCS, it has a duty under the public trust doctrine out pay particular attention to environmental concerns and to the public interest in

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1 general.

2 OPTI strongly encourages -- strongly  
3 supports the development of properly-sited offshore  
4 renewable energy.

5 As we commented on the Advanced Notice  
6 of Proposed Rulemaking for the Offshore Renewable  
7 Energy Program, MMS will achieve this goal most  
8 efficiently and expeditiously if it first develops  
9 regulations that protect the public trust and then  
10 proceeds to consider individual projects based upon  
11 a comprehensive and programmatic review of the site  
12 selection -- the site location issues.

13 The rulemaking process that is the  
14 subject of the PEIS and this hearing should not be  
15 limited to wind power projects but must also include  
16 other forms of renewable energy, such as tidal  
17 power.

18 To fulfill this goal the following  
19 actions must occur. MMS must ensure a comprehensive  
20 programmatic review of resources. This resource  
21 review should include an assessment of power  
22 potential, wildlife and habitat, environmental  
23 benefits and harms, and the presence of historical  
24 recreational and cultural sites as well as public  
25 safety issues.

26 It should be the basis for a development

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1 use authorization framework, which protects the  
2 marine environment and aids subsequent decisions.

3 MMS must have rigorous standard-setting  
4 regulations. Renewable energy projects should not  
5 be treated more leniently than other offshore-  
6 development activities. Standards should include  
7 requirements for independent environmental  
8 assessments, best management practices, and best  
9 impact mitigation practices, as well as ongoing  
10 monitoring and funded decommissioning plans.

11 OPTI believes that it is essential for  
12 MMS to apply its regulations consistently. The  
13 underlying regulatory framework must be in place  
14 first before any individual projects are considered.

15 Ocean management has for far too long  
16 been left to ad hoc decisionmaking and development  
17 agendas driven by profitmaking motives. One need  
18 only look to the extreme conflict associated with  
19 the Cape Wind Project in Nantucket Sound, where five  
20 years have been wasted on an ill-considered review  
21 process.

22 The problems and costs presented by  
23 putting the specific project cart before the overall  
24 underlying program horse should not be allowed to  
25 continue. Renewable energy and environmental  
26 protection will benefit by developing the

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1 comprehensive program first.

2 The ocean is first and foremost a public  
3 trust resource. Public interest, not private gain  
4 must be the focus of MMS as it develops this PEIS  
5 and programmatic regulation.

6 Thank you.

7 MR. MOORE: Thank you, Don.

8 Do you have anything you could leave  
9 with us, a copy of your remarks?

10 MR. MOONEY: (Gives document to Mr.  
11 Moore.)

12 MR. MOORE: Thanks a lot.

13 MR. MOONEY: You're welcome.

14 MR. MOORE: Okay. If anyone else would  
15 like to provide us with some comments, it doesn't  
16 matter whether you signed up when you came in to do  
17 that. If you indicated no, it's okay if you change  
18 your mind. We'd be more than happy to have you come  
19 up and provide us with some comments.

20 Do I see any hands in the air? You take  
21 this -- how about that. All right. Please state  
22 your name and the organization you represent.

23 MR. LIGHTENER: I'm Tom Lightener. I'm  
24 representing myself. I'm in the renewable energy  
25 business.

26 I don't have any prepared remarks, but

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1 in looking at the map out there of your central  
2 coast planning region, there are a whole bunch of  
3 constraint areas that seem to be off limits for your  
4 study. You know, particularly the marine mammal --  
5 the Farallones Island.

6 And it just seems to me that, you know,  
7 if our country is fairly serious about getting off  
8 our oil addiction, like Bush says that we have, that  
9 we need to look at all possible opportunities to  
10 develop our natural resources -- our renewable  
11 resource energy technologies.

12 And, you know, there was a good case  
13 made tonight for how offshore wind, the potential is  
14 great, and particularly in the shallower areas. And  
15 I would just -- I know that the Energy Act excludes,  
16 you know, public -- or national parks and marine  
17 mammal areas, but I -- and there's probably no way  
18 that you can incorporate those, you know, into your  
19 study.

20 But if we don't look -- if we don't look  
21 at these areas and look at the impacts of these  
22 areas, it's very possible, you know, that we could  
23 develop offshore wind in these areas and have  
24 -- and not have a big impact, you know, on them.  
25 But if we don't look at it, you know, we're never  
26 going to know.

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1                   And I would just highly suggest that if  
2                   there's any way that you can look at some of these  
3                   areas that have been excluded from the legislation,  
4                   that I think it would be in the national interest.  
5                   Thank you.

6                   MR. MOORE: Thank you very much.

7                   Do we have any other speakers?

8                   Anybody have any additional questions  
9                   they would like to ask of any of the presenters or  
10                  others on the panel?

11                  Yes.

12                  MR. STANLEY: Ryan Stanley, Pacific Gas  
13                  and Electric Company. For marine, I was just  
14                  curious on what kind of competitive considerations  
15                  you are going to look at during this process and how  
16                  -- how much of an open process when it comes to  
17                  applying for a new project that you envision.

18                  MS. BORNHOLDT: That's a great question.  
19                  You know that's one of our struggles. This is not a  
20                  mature industry like oil and gas, so we don't know.  
21                  So I think the sky's the limit.

22                  One of the things that was suggested to  
23                  us in the ANPR was not just looking at value, not  
24                  just looking at dollars as being the only indicator  
25                  of maybe that particular project when it's the  
26                  process, but taking a look at benefit. Benefit to

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1       locality, benefit of using that particular resource  
2       for electric, or whatever, generation.

3               So right now that's an open question.  
4       We got some really good response in the ANPR. We're  
5       going to take a look at obviously, you know, dollar  
6       value. We're going to take a look also at operator  
7       background. You know, has safe operator been out  
8       there. Have they been a safe operator.

9               We'll also take a look at project. Is  
10      that -- is that the best use of that particular  
11      public land, so we haven't decided, but there's so  
12      many things that we will consider.

13              MR. SMITH: This is Gary Smith. And  
14      it's my understanding that most OCS projects now  
15      require Corps of Engineers permits. And I wonder if  
16      in your development of your regs you are going to  
17      figure out some way to integrate whatever process  
18      you have so that it isn't just an additional layer  
19      but that somehow one process that works for all of  
20      the federal permits required.

21              MS. BORNHOLDT: I guess the short answer  
22      is yes. One of the things that I think is confusing  
23      is when this section was enacted or the Amended  
24      Lands Act that meant, oh, we didn't have to do all  
25      these other things, but we will do. You're still  
26      going to need your 404 permits. We're going to work

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1 with the Corps on that, as well as all your other  
2 compliance documentation, like Endangered Species  
3 Act, Marine Mammal Protection Act requirements,  
4 government-to-government consultation requirements.

5 So what we're trying to do is work as a  
6 cooperative, if you would, be the lead agency.  
7 Whatever documentation, environmental documentation,  
8 like a site specific EIS, you know partner with the  
9 Corps of Engineers so that particular document can  
10 be done in a manner that addresses their issues,  
11 that can be used as part of the consultation for  
12 Endangered Species Act, Marine Mammal Protection  
13 Act. Work with EPA if there are some discharge  
14 issues or air issues. So hopefully have that Corps  
15 document address those issues so we don't have to  
16 have layer after layer in an inefficient system.  
17 You know that's an idea. That's what we're going to  
18 strive for. Yeah.

19 MR. MOORE: Anyone else have a question?  
20 Good opportunity.

21 Okay, hearing no other questions, seeing  
22 no hands in the air, -- was there one?

23 MS. BORNHOLDT: No.

24 MR. MOORE: Do you folks have any  
25 questions for the people in the audience?

26 Okay. Thank you very much. Appreciate

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1 your coming here. Hope you had a chance to look  
2 over this wonderful facility, a little bit, in  
3 addition to the materials related to the  
4 Programmatic EIS. Thanks again. Good night.

5 MS. BORNHOLDT: Oh, one last comment.  
6 The NREL presentation that Mike gave, if you go to  
7 the Argonne National Lab website that's listed on  
8 the poster, we're going to update that and make sure  
9 that this version, that has more of the current  
10 information will be put on there, as well as the  
11 mms.gov website will also have this too, so that way  
12 folks that were interested --

13 MR. MOORE: He's so famous he's already  
14 getting phone calls.

15 MS. BORNHOLDT: I know. Thank you.

16 (The meeting was adjourned at 7:50 p.m.)  
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